IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CIVIL WRIT PETITION NO. 4119 OF 1988

DATE OF DECION : May 02, 2007.

Parties Name

Sudesh Kumari and others

...PETITIONERS

VERSUS

State of Punjab and others

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASBIR SINGH

PRESENT: None for the petitioners.

Mr. H.S. Mattewal, Advocate General, Punjab, with
Mr. A.K.Sharma, Sr. D.A.G., Punjab;

JASBIR SINGH, J. (oral)

ORDER:

This writ petition has been filed to lay challenge to the orders Annexures P-3 and P-4, vide which monetary benefit, on acquiring higher qualifications was declined to the petitioners. It is an admitted fact that at the time of filing this writ petition, petitioners were working as Masters/ Mistresses with the State of Punjab and they possessed the qualifications of Master of Arts/Master of Science/Master of Education, i.e., Post-Graduate Degrees. It is also an admitted fact that all the petitioners have improved their educational qualification after February 19, 1979, when order Annexure P-3 was issued. Petitioners are claiming monetary benefits, on the basis of improvement in their qualifications, by placing reliance upon the earlier instructions, issued by the State of Punjab in the year 1957.

Counsel for the respondents heard.

The question as to whether the Masters/Mistresses, who have

improved their qualifications after February 19, 1979, are also entitled to get higher monetary benefits or not, came up for consideration before a Division Bench of this Court in The State of Punjab and others v. Joga Singh and others, 1996(2) R.S.J. 738. After discussing effect of the instructions, issued in the year 1957 and in the year 1979, the Division Bench of this Court observed thus:

> "9.From the facts stated herein above, it is clear that the Government of Punjab changed its policy of granting higher pay scales from the date of acquisition of higher qualifications vide the instructions contained in the circular, dated 19th February, 1979, the relevant portion from which has been reproduced herein before. In terms of the aforesaid instructions, the teachers who were appointed on lower posts after 19th February, 1979 with higher qualifications and also those teachers who were already serving and acquired higher qualifications after February, 1979, were not entitled to automatic grant of higher pay scales. In the case of Wazir Singh (supra), the Supreme Court has held that the judgment of the apex Court in Chaman Lal's case (supra) will have no application where the government has altered their policy. Thus, it was held by the apex Court that the Government could alter the policy. In fact, the Hon'ble Supreme Court in the case of Wazir Singh (supra) has explained the scope of their earlier decision in the case of Chaman Lal (supra) and have clearly held that the teachers could not claim the benefit of higher pay

scales automatically on acquisition of the higher qualifications but could claim such benefit only in accordance with the new policy which in the present case is contained in the Circular dated 19th February, 1979. Relying on the judgment of the Supreme Court in Wazir Singh (supra), a Division Bench of this Court in the case of Kanwaljit Kaur (supra) has also observed that the view taken by the learned Single Judge in his judgment in the case, Joga Singh and another v. State of Punjab and others, C.W.P. No.11995/1989(impugned in these appeals) is not the correct law in view of the law laid down by the apex Court."

The view, expressed above, was reiterated by another Division Bench of this Court in Mangat Ram and others v. The State of Haryana and another, 1996(2) R.S.J. 365.

This Court is of the opinion that the matter is squarely covered by ratio of the aforesaid two judgments. Accordingly, this writ petition fails and the same is dismissed.

May 02, 2007. (Jasbir Singh)
DKC Judge